

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In Re Application of:

Evan C. Unger, DeKang Shen and Guanli Wu

Group Art Unit: Not yet assigned

For: NOVEL TARGETED COMPOSITIONS  
FOR DIAGNOSTIC AND  
THERAPEUTIC USE

Examiner: Not yet assigned

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a

 Utility Patent       Design Patent

is sought on the invention, whose title appears above, the specification of which:

- is attached hereto.
- was filed on \_\_\_\_\_ as Serial No. \_\_\_\_\_.
- said application having been amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a-d) of any **foreign application(s)** for patent or inventor's certificate listed below and have also identified below

any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Priority Claimed (If X'd)	Country	Serial Number	Date Filed
<input type="checkbox"/>			
<input type="checkbox"/>			

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Serial Number	Date Filed	Patented/Pending/Abandoned
08/497,684	June 7, 1995	Abandoned
08/640,464	May 1, 1996	Abandoned
08/660,032	June 6, 1996	Pending

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Serial Number	Date Filed
_____	_____
_____	_____

I hereby appoint the following persons of the firm of **WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP**, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania 19103 as attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Suzanne E. MillerReg. No. 32,279David A. CherryReg. No. 35,099

Address all telephone calls and correspondence to:

**David A. Cherry**  
**WOODCOCK WASHBURN KURTZ**  
**MACKIEWICZ & NORRIS LLP**  
**One Liberty Place - 46th Floor**  
**Philadelphia PA 19103**  
**Telephone No.: (215) 568-3100**  
**Facsimile No.: (215) 568-3439**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: <u>EVAN C. UNGER</u>	Signature
Mailing Address: <u>6227 Miramar Drive East</u> <u>Tucson, Arizona 85715</u>	Date of Signature: _____
City/State of Actual Residence: <u>Tucson, Arizona</u>	Citizenship: _____ USA

Name:  <u>DEKANG SHEN</u>	Signature
Mailing Address:  <u>2602 West Aiden Street</u> <u>Tucson, Arizona 85745</u>	Date of Signature: _____
City/State of Actual Residence:  <u>Tucson, Arizona</u>	Citizenship: <u>USA</u>

Name:  <u>GUANLI WU</u>	Signature
Mailing Address:  <u>2602 West Aiden Street</u> <u>Tucson, Arizona 85745</u>	Date of Signature: _____
City/State of Actual Residence:  <u>Tucson, Arizona</u>	Citizenship: <u>USA</u>

Applicant or Patentee: Evan C. Unger, DeKang Shen and Guanli Wu

Serial or Patent No.:

Attorney's Docket No.: UNGR-1520

Date Filed or Issued:

For: NOVEL TARGETED COMPOSITIONS FOR DIAGNOSTIC AND THERAPEUTIC USE

**STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(d) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

the owner of the small business concern identified below:

an official empowered to act on behalf of the concern identified below:

NAME OF CONCERN:

ImaRx Pharmaceutical Corp.

ADDRESS OF CONCERN:

1635 E. 18<sup>th</sup> Street

Tucson, Arizona 85719

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that: (1) the number of employees of the concern, including those of its affiliates, does not exceed 500 persons; and (2) the concern has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in the

specification filed herewith, with title as listed above.

application identified above.

patent number identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

**\*NOTE: Separate statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)**

**FULL NAME:**

**ADDRESS:**

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

**FULL NAME:**

**ADDRESS:**

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

**NAME OF PERSON SIGNING**  
**TITLE OF PERSON SIGNING**  
**ADDRESS OF PERSON SIGNING**

Evan C. Unger  
President and CEO  
ImaRx Pharmaceutical Corp.  
1635 E. 18<sup>th</sup> Street  
Tucson, Arizona 85719

**SIGNATURE**

Evan Unger  
12/22/98

**DATE**